

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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ANTHONY AMIGON,

Plaintiff,

-against-

21 CIVIL 2029 (PMH)

**JUDGMENT**

DYLAN J. LUZON, et al.,

Defendants.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated January 19, 2023, Defendants' motion to dismiss is GRANTED. Plaintiff's first three claims for relief, brought under federal law, are dismissed with prejudice. Plaintiff's remaining three claims for relief, brought under state law, are dismissed without prejudice. Plaintiff cannot cure the defects in his federal claims for relief through further amendment. While "[d]istrict courts should frequently provide leave to amend before dismissing a pro se complaint... leave to amend is not necessary when it would be futile." *Reed v. Friedman Mgmt. Corp.*, 541 F. App'x 40, 41 (2d Cir. 2013) (citing *Cuoco v. Moritsugu*, 222 F.3d 99, 112 (2d Cir. 2000)). Moreover, leave to amend may be denied if [as here] the plaintiff has already been given an opportunity to amend but has failed to cure the complaint's deficiencies." *Barnett v. Rockland Cnty. Jail Matnice*, No. 22-CV-02755, 2022 WL 1775716, at \*2 (S.D.N.Y. June 1, 2022). Plaintiff has amended his Complaint twice already and had ample opportunity to amend any deficiencies. No further leave to amend is appropriate. *Id.* The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from the Order of Dismissal would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United*

States, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue); accordingly, the case is closed.

**Dated:** New York, New York

January 19, 2023

**RUBY J. KRAJICK**

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**Clerk of Court**

**BY:**

*K. mango*

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**Deputy Clerk**